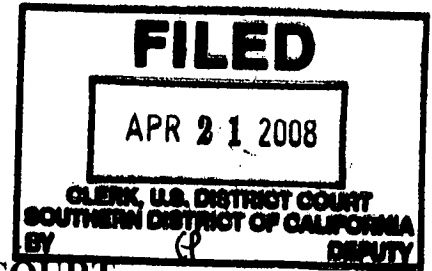


Robert Lee Quackenbush
PO Box 80935
San Diego, CA 92138



**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT FOR THE
STATE OF CALIFORNIA**

In r ROBERT LEE QUACKENBUSH

CIV - 08cv567 JAH LSP

HC No. 18020

On Writ of Habeas Corpus

Sup.Ct. No. 175743

FIRST AMENDED

WRIT OF HABEAS CORPUS FOR

IN PROPRIA PEROSNA /

PETITION FOR REVIEW (DE NOVO)

Defendant now comes before the Court in the above-entitled matter for "review" and continuation [de novo] under clause of a Writ of Habeas Corpus and it's declaration thereof and herein; within a meaning of a "formal *investigation* into the facts related to his claims, allegations and other declarations of the findings with specificity of law and regulations, including the decision to grant or deny.

The defendant has been denied this "*formal investigation*" under the clause of the law throughout the judicial process before this higher court, whom thus has the authority to change this and grant such cert. Whereas, he comes before this Court today in consideration by submitting his [de novo] petition and its declaration, thereby, asking the Court to what is legal, moral, and right, opposed to the other Court's and return his petition granted.

Thereby, the defendant request this Court assert its powers and adhere to those the lower Court's have not, thus follow the scope of the law and the on the merits submitted beforehand, and its furtherance of justice for the wrongs continually suffered by the indifference of the judicial system, all while allowing others the right of passage, thereby, violating the Constitution and not allow him liberty, creating a prejudicial mean.

It is important to recognize that the defendant has been attempting to ascertain his claims pursuant to his petition in lieu of the Superior; Appellate; and ultimately California Supreme Court with no prevail and have become and inappropriate method, and once again stands on the Merits submitted, thus validating the law and this Court can uphold the Constitution and correct the lower Court's. Otherwise leaving the defendant without cause and helpless.

Thereby, granting issuance f the defendant's petition and ordering compliance with the Sentence Court to correct and "Amend" the Abstract of Judgment ("AoJ") would be of great advantage to all parties.

Also, the defendant moves this Court will adequately and effectively provide a "review" which includes the necessary motion, documentation, and such from the defendant thus, moving forwarding, if necessary. The defendant is without remedy save by this Writ.

Additionally, the defendant does not attempt to tell the Court what to do, however, the Court should not be judging by "external" factors or "standard(s)", but "true" (i.e., Constitutional) standards.

Further, no matter the outcome, **HOFSEIER: STOW**: among others that have set presentment, there is a Constitutional boundary that has been met and shall be agreed with that those individuals were relieved of the duty of registration requirements after signing a plea agreement, just as I signed a plea and should be allowed the same Constitutional right of removal.

However, the defendant has been placed in "another" category and continually denied Constitutional rights and entitlement of sex registration requirement removal. Thereby, his liberty has been restricted. This is nothing more than a requirement nor is contract by the Constitution, and should have the freedom accordingly as otherwise in the similar categories that have had theirs removed.

This declaration and its attachments are submitted in conjunction with previous motion(s) and documentation to provide a sound judgment of granting cert for the Court under the guidelines of the Constitution. This should not be a "battle of the wills", but what is Constitutional and right among other patriots of America, the laws, and to just to those adherence to by other Court's. The defendant continually fights an upheaval battle with the judicial system against him and being on parole, thus keeping within the confounds of conditions, yet manages to pull through, however, still gets penalized for attempting to make each and every deadline, including being expected to now each law as if a trained professional is impossible and unforgiving by the Court's and unrealistic.

The defendant declares under the penalty of perjury that the foregoing is true and correct, and its declarations was executed on this 11 day of April, in San Diego, California.



MARY JAMESON
AUTOMATIC APPEALS SUPERVISOR

JORGE NAVARRETE
SUPERVISING DEPUTY CLERK

SAN FRANCISCO

NATALIE ROBINSON*
SUPERVISING DEPUTY CLERK

LOS ANGELES



Supreme Court of California

FREDERICK K. OHLRICH
COURT ADMINISTRATOR AND
CLERK OF THE SUPREME COURT

☐ SAN FRANCISCO 94102
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350 McALLISTER STREET
(415) 865-7000

☐ LOS ANGELES 90013
RONALD REAGAN BUILDING
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(213) 830-7570

February 25, 2008

Mr. Robert Lee Quackenbush
2952 Horner Way
San Diego, CA 92106

*rec. 02/28/08
no letter previously*

Re: **S160472 – In re Robert Lee Quackenbush on Habeas Corpus**

Dear Mr. Quackenbush:

Returned unfiled is your petition for review received January 30, 2008. In a letter dated January 30, 2008, you were advised that your petition for review was untimely and you were required to submit an Application for Relief from Default explaining the reasons for your failure to file a timely petition for review. Our records disclose that you have not submitted an Application for Relief from Default and on February 19, 2008 the court lost jurisdiction to consider or grant relief of any nature in this case.

Very truly yours,

FREDERICK K. OHLRICH
Court Administrator and
Clerk of the Supreme Court

[Signature]
By: Jorge E. Navarrete, Supervising Deputy Clerk

Enclosures

RECEIVED

JAN 30 2008

CLERK SUPREME COURT

Robert Lee Quackenbush
2952 Hornet Way
San Diego, CA 92106

IN THE SUPREME COURT FOR
THE STATE OF CALIFORNIA

S160472

In re ROBERT LEE QUACKENBUSH

Case No. _____

Appellate No. D-051763Superior Court Case No. SCD 175 743

On Writ of Habeas Corpus

Habeas Corpus No. HC 18020

WRIT OF HABEAS CORPUS FOR PETITION

OF REVIEW (DE NOVO)

IN PROPRIA PERSONA /I. INTRODUCTION

Defendant now comes before the Court in the above-entitled matter for "review" [de novo] of his Writ of Habeas Corpus and its declarations thereof, within the meaning of "a formal investigation into the facts related to his claims, allegations, and documentation of the findings with specificity of law or regulations, including the decision to grant or deny".

The defendant has been denied his "Writ" from the Appellate Court, Division ONE on Jan 18, 2008 appeal to this Supreme Court to grant cert, without further debating politics, case laws, and other avenues that does nothing more than prolonging what the law requires. Whereas, he comes for consideration by submittal of this DE NOVO and its attached declarations. Thereby, requests the Court to grant his petition in the furtherance of justice for the wrongs suffered by the deliberate indifference of the judicial system and the prejudicial means thereof.

Therefore, it is important to recognize that the defendant attempts to ascertain his claims pursuant his petition in lieu of the Supreme Court granting cert., and the merits of his claims are valid.

Thereby granting the issuance of the defendant's "Writ", and ordering compliance with the sentencing Court to correct and provide an 'Amended' Abstract of Judgment ("AoJ") would be a great advantage to all parties. Therefore, the defendant moves the Court will adequate and effectively "review" his Writ of Habeas Corpus, thus, provide the necessary motion (or minutes) of an Order to grant relief as indicated herein of his petition, procedures, and laws. Otherwise, the defendant is without remedy save by this Writ. This would be deemed just and appropriate, considering the unlawful practice of the judicial members thereof.

Robert Lee Quackenbush
2952 Hornet Way
San Diego, CA 92106

In the California Supreme Court
for the State of California

In re ROBERT LEE QUACKENBUSH
On Writ of Habeas Corpus

Case No.

S160472

Appellate No. D-051763

PROOF OF SERVICE

IN PROPRIA PERSONA _____/

I. INTRODUCTION

I hereby certify that I am the person of the above-entitled matter, and I served a copy of the attached DE NOVO PETITION _____ by placing a copy in a postage-paid envelope addressed to the person or place hereinafter listed, thus, by depositing said envelope in the United States Mail, through the internal legal mail procedures that are set forth by the California Department of Corrections & Rehabilitation ("CDCR").

The list of person, place, or Attorney, or Courthouse designated accordingly are as follows:

Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

California Court of Appeals
750 B Street, Suite 300 (Symphony Towers)
San Diego, California 92101

This declaration is prepared and declared under the penalty of perjury that the foregoing is true and correct, and this declaration was executed on this 25 day of January, 2008, at San Diego, California.

Respectfully submitted,

ROBERT LEE QUACKENBUSH

Type or Print Name



IN PROPRIA PERSONA

COURT OF APPEAL - FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

Stephen M. Kohn

JAN 18

Court of Appeal Four

In re ROBERT LEE QUACKENBUSH

D051763

on

(San Diego County
Super. Ct. No. SCD 175743)


Habeas Corpus.

THE COURT:

The petition for a writ of habeas corpus has been read and considered by Just Nares, McIntyre and Aaron.

Robert Lee Quackenbush seeks review of the superior court's order denying his petition for a writ of habeas corpus. In that petition, Quackenbush sought to vacate requirement that he register as a sex offender. We do not review an order by the superior court denying a petition for a writ of habeas corpus. (*In re Clark* (1993) 5 Cal.4th 776, fn. 7.) Quackenbush has not provided an adequate record to review his claims. (*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

The petition is denied.



NARES, Acting

Copies to: All parties